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An Equal Opportunity Employer

TO: WIB Directors

FROM: Leslie G. Fatum, General Counsel

DATE: April 30, 2003

SUBJECT: DWD Policy 2002-50  
Equal Opportunity Monitoring – WIA Title I

PURPOSE: To transmit the procedures for equal opportunity monitoring under WIA.

RECISSION: DWD Communication # 99-52/June 21, 2000

CONTENT: One of the requirements of the State's Methods of Administration (MOA), as required by regulations at 29 C.F.R. § 37.54, is for the state to have in place a system for periodic monitoring of recipients for compliance with WIA Section 188. The attached procedure reiterates this requirement and will be included as part of this state's documentation of assurances to the Department of Labor/Civil Rights Center.

Questions regarding this policy and its procedures should be addressed to Leslie Fatum, General Counsel (EO Officer) at (317) 232-0197 or to Darien Patterson, HR Director (EO Coordinator), at (317) 232-7473.

EFFECTIVE DATE: Immediately

REVIEW DATE: April 30, 2005

OWNERSHIP: Legal Support

ACTION: The Workforce Investment Board Director is to ensure that the enclosed procedure is communicated to all affected parties and that a copy of the attached monitoring guide questionnaire is completed and returned to the DWD EO Coordinator as soon as possible at Indiana Department of Workforce Development, Human Resources Department, 10 N. Senate Avenue, Indianapolis, IN 46204.

Attachments

EQUAL OPPORTUNITY MONITORING FOR  
WORKFORCE INVESTMENT ACT (WIA)  
FINANCIALLY ASSISTED PROGRAMS

REQUIREMENT

One of the most important requirements in the State's Methods of Administration (MOA) is the responsibility to monitor the equal opportunity activities of a recipient to ensure compliance with civil rights laws enforced by DOL/Civil Rights Center (CRC). To meet this requirement, DWD has established the following procedures for monitoring compliance with the nondiscrimination provisions of Title I of WIA.

PURPOSE

The purposes of an Equal Opportunity (EO) Monitoring Review are to ensure that:

- Commitments made by the recipient are being kept;
- Technical requirements, such as displaying CRC's EO poster, have been met;
- There is equal access and treatment during training and/or employment in WIA financially assisted programs;
- None of the recipient's training or employment practices are discriminatory; and
- Any needed training/technical assistance to the recipient is provided.

The CRC has strongly recommended that EO monitoring be conducted in coordination with the program monitoring, as resources permit. The DWD Program Monitors will continue to include in their monitoring a review of EO policies, notice requirements and complaint procedures. The DWD EO Officer shall target a recipient for review based on any of the following:

- The review and analysis of data output reports
- Request(s) for technical assistance
- Complaint records
- Reports from Program Monitors or other interested parties
- Demographics and geography

PROCEDURE

The EO Monitoring will consist of a desk review, an onsite review and a post review report.

A. Desk Reviews

The desk review will involve an analysis of data output reports. These reports shall be obtained from the Participant Management Information System (PMIS), the Program for EEO Evaluation Reports (PEER) System, and from the Customer Self Service System (CS3). The analysis of data is for purposes of comparing how race/sex groups are treated in comparison with other groups in the programs and activities funded under WIA Title I.

If the analysis of data reveals disparities in services rendered, an onsite review will be scheduled.

B. Onsite Reviews

The onsite review shall examine problem areas revealed by the desk review. For example, if the desk review revealed significant difference in the rate of enrollments for one group over another group into a particular training program, that disparity will be investigated onsite by the observation of activities, the interview of staff and participants, and by a review of applicable documentation.

C. Post Review Report

A post review report will be issued to the recipient within thirty (30) days of the exit conference. This report will recognize positive performance and practices where they exist, set forth issues that must be resolved, describe findings of noncompliance in a concise and specific manner, and state specific corrective action to be required, including deadlines for completion. Corrective actions are defined as those activities undertaken by the recipient in response to equal opportunity deficiencies discovered by the EO Reviewer. Deficiencies fall into two categories:

1. Deficiencies which do not involve discrimination, called technical deficiencies, e.g. failure to post required posters.
2. Deficiencies involving discrimination, e.g. disparate treatment in the referral of applicants.

DWD will work with recipients to ensure that corrective actions can be achieved. Where violations of WIA Section 188 are found and voluntary compliance has not been achieved, DWD may implement appropriate sanction procedures.

**EQUAL OPPORTUNITY  
MONITORING GUIDE  
QUESTIONNAIRE**

**YES NO N/A COMMENTS**

**A. ASSURANCES**

- 1. Is this recipient aware of its obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1975, Section 188 of the Workforce Investment Act, and The Americans with Disabilities Act?**
- 2. Do you wish to receive a summary of the civil rights laws which affect DOL financially assisted programs?**
- 3. Does the required assurance language at 29 C.F.R. § 37.20, or a reference to it, appear on all grant applications, agreements and contracts?**
- 4. Are copies of current EO policies made accessible to staff?**
- 5. Are EO policies communicated in a format appropriate for staff with hearing and/or visual impairments?**

**B. EQUAL OPPORTUNITY COORDINATOR**

- 1. Has the recipient communicated the identity of the recipient's designated EO Officer to all subrecipients/staff in their local workforce service area (LWSA)?**
- 2. Does each office in the LWSA have a staff person available to assist with EO responsibilities?**

**YES NO N/A COMMENTS**

**B. EQUAL OPPORTUNITY COORDINATOR (CONT.)**

- 3. Is this person's identity known to all staffpersons in the office?**

**C. RECORDKEEPING**

- 1. Does the recipient maintain a log of complaints and submit a copy of the log to DWD on a quarterly basis?**
- 2. Are complaints of discrimination retained for a period of no less than three (3) years after resolution?**
- 3. Are complaint files maintained confidentially and by some systematic method, e.g. alphabetically or numerically by date filed? Please state the method in the comments section.**
- 4. Do complaint files include the following: a copy of the written complaint, a record of contacts made and information obtained during an investigation, and related correspondence?**
- 5. Are beneficiary/participant files free of subjective and/or inappropriate remarks and comments?**
- 6. Are beneficiary/participant files retained for at least three (3) years after close of the applicable program year?**

**YES NO N/A COMMENTS**

**C. RECORDKEEPING (CONT.)**

- 7. Is data being collected and retained for each beneficiary, applicant and employee, as required by 29 CFR §37.37?**

**D. STRUCTURAL ACCESSIBILITY(Applicable to each office in the recipient's LWSA)**

- 1. Is there designated parking with signage available for disabled individuals?**
- 2. Is there a designated restroom for the disabled with appropriate signage?**
- 3. Is there at least one wheelchair-accessible entrance/exit?**
- 4. If there are public telephones available, are accommodations provided for hearing impaired individuals, e.g. TD/TYY?**
- 5. Are all services/activities provided in a facility that is accessible to disabled persons? If not, what accommodations are made?**
- 6. Has an ADA self-evaluation survey been recently conducted on all facilities where services/activities are provided to the public?**

	YES	NO	N/A	COMMENTS
<b>D. STRUCTURAL ACCESSIBILITY (CONT.)</b>				
7. Have corrective actions been taken to correct any deficiencies noted in the self-evaluation survey? If not, please explain.				
<b>E. PROGRAM ACCESSIBILITY</b>				
1. How is information provided to limited English speaking individuals?				
2. Does the recipient have a procedure for providing auxiliary aids and services when requested by a client? Please provide a copy of the same.				
3. Does the recipient have a procedure for providing reasonable accommodation as requested? Please provide a copy.				
4. Are programs/activities provided in the most integrated setting?				
<b>F. EO POSTERS &amp; NOTIFICATION</b>				
1. Is the "Equal Opportunity is the Law" notice posted prominently in all offices?				
2. Where paper files are maintained, is the notice included in the participants' files?				
3. Is the EO Notice provided in alternate formats and languages, where required?				



	YES	NO	N/A	COMMENTS
<b>F. EO POSTERS &amp; NOTIFICATION (CONT.)</b>				

4. Is the EO tagline included on all brochures and pamphlets as required?
  
5. If a phone number is provided on the pamphlets, etc., is there a TDD/TTY number?

**G. COMPLAINT PROCEDURES**

1. Have all staff, applicants and beneficiaries been advised of the recipient's policy on filing complaints of discrimination?
  
2. Are all complaints of discrimination entered into the complaint log?
  
3. Are complaints of discrimination responded to in a most expedient manner?
  
4. Are there procedures in place for assisting limited English speaking individuals, or others requiring assistance, in filing complaints of discrimination?

YES	NO	N/A	COMMENTS
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## H. COMMUNITY RELATIONS

- 1. Have community-based organizations and public interest groups been advised of the recipient's obligations to equal opportunity?**
- 2. If not, what assistance does the recipient require of the State EO Officer in meeting this requirement?**